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Initial reports of States parties due in 1979

Addendum

GUINEA

[12 October 1987]

INTRODUCTION

It is more than a quarter of a century since Guinea acceded to national sovereignty. From the outset, the people of Guinea set about building the basic structure of society, organizing social, economic and legal institutions into a single system of co-operation between all individuals and bodies in Guinea.

This construction effort entailing the definition and attribution of rights and duties within these institutions, determines the distribution of the advantages and responsibilities of life in society.

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*/ This report was submitted by the Government of Guinea pursuant to the request made by the Human Rights Committee at its twentieth session after considering the initial report of Guinea in the absence of a representative of the State party. That report was issued as document CCPR/C/6/Add.5 and the relevant summary records as documents CCPR/C/SR.475-SR.476 and SR.485-SR.486. See also Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 40 (A/39/40), paras. 136-160).

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For 26 years, the national institutions established were stripped of their democratic content. They served as a framework for violation of the rights and freedoms recognized and proclaimed by the public authorities under the pretext of safeguarding the internal and external security of the State.

On 3 April 1984, there was a change in the superstructure. A new era began, requiring the restructuring of institutions as a public system of rules defining the functions and positions of individuals and groups of individuals together with their rights and duties, powers and immunities - in other words, ensuring protection of the individual and his property through action against all cruel, inhuman or degrading treatment.

The various official statements made to date by the Comité Militaire de Redressement National (Military Committee for National Recovery - CMRN) bear witness to this political will to ensure:

Promotion of the right to life, liberty, security of person and respect for privacy;

The right to a fair trial, and freedom of thought, conscience and religion;

Freedom of opinion and expression;

The right of peaceful assembly and migration;

Protection against any form of arbitrary arrest or detention.

The CMRN, true to this ideal of justice and solidarity and, particularly, to the unanimous endeavours and desire of the Guinean people for effective co-operation within society, proclaimed in its communiqué No. 1 its adherence to the Charter of the United Nations, the Charter of the Organization of African Unity and the principles of non-alignment.

It expressed a "wish for friendly co-operation with all countries of the world and particularly brotherly co-operation with the African countries in attaining the lofty ideals of freedom, dignity and African solidarity".

This declared determination of the new authorities in Conakry to make the Universal Declaration of Human Rights the foundation of their domestic and international policy defines the activities of State organs in realizing the fundamental aspirations of the people of Guinea.

THE LEGAL SYSTEM OF THE REPUBLIC OF GUINEA

I. THE SOCIO-POLITICAL ENVIRONMENT

A. Population

The Republic of Guinea occupies an area of 245,857 sq km and has a population of just over 6.5 million inhabitants belonging to various ethnic groups distributed in four natural regions:

Lower Guinea, an area of low-lying marshy plains bordering the Atlantic Ocean;

Central Guinea, a mountainous area where many West African rivers have their source;

Upper Guinea, an area of savannah, woodlands and vast plains suitable for rice-growing;

Forest Guinea, which includes, Mount Nimba, the highest peak in West Africa.

The diversity of languages, religions and cultures makes Guinea a real "melting pot" of populations, which are tending to integrate and merge into a single national community; over 80 per cent of the inhabitants are farmers and herdsmen living in rural areas.

The country's religions are Islam, Christianity and animism. The interminaling brought about by history, tradition and marriage thwarted all attempts by the colonial and Party-State régimes to "divide and rule". The constantly reiterated will to combat all forms of arbitrariness, the profound and fundamental aspiration to build a free and dignified nation, and the Guinean people's desire to assert all aspects of its original personality have been accompanied, throughout history, by an awareness of the need for a concerted effort to form the indestructible cement of national unity.

B. The public authorities and their relations

"Public authorities" means the various major institutions organized into a system shaping the social and economic order. The three main institutions are the executive, the legislature and the judiciary.

Although Guinea has no Constitution, the Government of the Second Republic is aware of the need for appropriate political and legal institutions to act as a framework for the socio-economic life of the individual and the community. Given the firm, unshakeable resolve to establish a liberal democratic régime, it can be stated with certainty that the Constitution being prepared will embody the principle of separation of powers.

Lastly, the Guinean administration is characterized by the decentralization and devolution of public services with a view to ensuring the effective participation of all strata of society in the management of public affairs.

C. Relations between internal law and international law

Communiqué No. 1 of the CMRN dated 3 April 1984 and the proclamation which followed it provide for a monistic approach as the basis of the future constitutional régime concerning the relations between internal law and international law, the rules of both of which will without doubt be inspired by the same concern for the triumph of law over arbitrariness.

II. GUARANTEES OF RECOGNIZED RIGHTS

Since the establishment of the Second Republic, considerable progress has been made in many areas with regard to the promotion, guarantee and protection of the fundamental rights and freedoms of the citizen.

A. Public internal law

Ordinance No. 009/PRG/84 of 18 April 1984 extended the validity of all laws and regulations consistent with respect for and protection of individual and collective rights and freedoms.

The main instruments concerned are:

1. The Criminal Code: Enacted in 1965 and based on the following universal principles of criminal law:

Prohibition of arbitrary arrest and detention;

Legality of charges and penalties;

Presumption of innocence pending proof of guilt;

Invalidity of confessions obtained through torture, violence or other unlawful means;

Restrictive interpretation and non-retroactivity of criminal law;

Humane punishment.

Unfortunately, this Code was not observed under the rule of the Parti Démocratique de Guinée (PDG), and a number of its provisions were amended by a variety of diffuse and vague laws conducive to blind repression.

2. The Code of Criminal Procedure: Also known as the "Honest People's Code", it guarantees the protection of all rights during criminal proceedings.

Various modifications of the Code have, in the course of time, imparted an undeniably original character to Guinean criminal procedure in that all phases of judicial proceedings are kept as brief as possible so as to expedite the investigation and settlement of cases as far as can reasonably be done. The result has been the elimination of many needless delays which made judicial proceedings complicated and cumbersome.

B. Private internal law

The Civil Code and the Code of Civil Procedure currently in force should be rethought and restructured in response to the new democratic realities according pride of place to private ownership and initiative. The two instruments are imbued with a collectivist approach - hence the establishment of a national codification commission to review and modify all existing legislation with a view to expunging any provisions inconsistent with respect for private ownership and free enterprise.

The Labour Code has also been the subject of many amendments designed to give it a dynamic social content. The commission responsible for the Code's revision has completed its work on:

The elimination of everything contrary to the concept of justice, free enterprise and private ownership;

The extension to all of guarantees hitherto granted only to the privileged.

The Social Security Code, which supplements important aspects of social legislation, has the same aim of safeguarding workers and their families against risks of all kinds likely to reduce or eliminate their means of subsistence. The legislation provides for:

Maternity and family allowances;

Benefits in cash and kind in the event of industrial accidents or occupational diseases.

III. ORGANIZATION OF THE JUDICIARY

Since 12 October 1968, the judicial system has undergone a number of reforms. Two have been made under the Second Republic:

Firstly, the changes introduced by Ordinance No. 115/PRG of 14 July 1984 establishing the following courts:

A Cantonal Court: in each major sub-prefecture;
A Court of First Instance: in the chief town of each prefecture:
A Court of Appeal: in the chief town of each province;
A Supreme Court: at the national level, based in Conakry.

In addition to these ordinary courts, the following special courts were introduced:

A Children's Court: in the chief town of each prefecture;
A High Court of Justice;
A Military Court;
A Labour Court: at Conakry.

The structure established by Ordinance No. 115/PRG/84 already laid the foundations for the separation of powers and the independence of the judiciary. However, the conformity of the structure of the judiciary with that of the administration involved the risk of impeding, in the final analysis, the practical application of these two fundamental principles, in view of the non-existence of a Constitution.

Ordinance No. 109/PRG/86 of 5 July 1986 later replaced that organization by a new structure.

In order to administer justice throughout the territory of the Republic of Guinea, Ordinance No. 109/PRG/86 establishes the following courts of ordinary law and special courts.

A. Courts of ordinary law

Two Courts of Appeal at Conakry and Kankan;
Six Courts of First Instance;
Twenty-nine Cantonal Courts.

Article 27 of Ordinance No. 109/PRG/86 specifies that the Courts of First Instance and the Cantonal Courts have jurisdiction in all matters apart from those cases in which the law specifically assigns competence to another court.

Article 21 (2) states the principle of the single judge by providing that "On all questions, decisions are rendered by a single judge".

This form of organization, like the one it replaced, is based on the principles of:

Two-tiered jurisdiction;
The independence and irremovability of the judge.

While the Courts of First Instance and the Cantonal Courts operate on the principle of the single judge, the Court of Appeal applies the principle of the collegiality of the judiciary.

For mainly economic and financial considerations the principle of the single judge, which had been rejected by Ordinance No. 115/PRG/84, was revived in Ordinance No. 109/PRG/86 for the lower courts.

B. Special courts

Two Labour Courts: competent to hear labour disputes, based at Kankan and Conakry.

In the other prefectures, labour disputes are referred to the other courts of ordinary law.

The Children's Court

This court is competent to try all offences perpetrated by minors between 13 and 18 years of age.

It should be noted that, until the age of 13, minors who have perpetrated crimes and offences enjoy complete immunity. From 13 to 16 years of age, they are normally subject to re-education measures which rule out any criminal proceedings or penalties unless it is established that the minor was able to distinguish between right and wrong.

In all cases of crimes or offences committed by a child, a preliminary investigation is compulsory, even in cases of flagrante delicto. The purpose of this departure from ordinary judicial procedure is to give an insight into the personality of the young offender in order to be able to apply the measure most conducive to his re-education and social rehabilitation.

The entire proceedings take place without any publicity. The usual practice is to entrust a delinquent minor to his parents, a trustworthy person or a reception or observation centre.

The State Security Court

Ordinances Nos. 152/PRG/85 of 10 August 1985 and 113/PRG/86 of 8 August 1986 specify that it shall try all crimes and offences referred to it and that these infringements shall be determined in accordance with the rules specified in the Criminal Code.

The Military Court

Established by Ordinance No. 153/PRG/85 of 10 August 1985, it has jurisdiction for all offences perpetrated by military personnel in peace-time and in war-time.

All these special courts adhere to the principle of the collegiality of the judiciary in view of the seriousness of the decisions they are required to hand down.

The National Court of Cassation

Ordinance No. 110/PRG/86 of 5 July 1986 established a National Court of Cassation with jurisdiction throughout the territory of the Republic of Guinea.

This Court reviews, on appeal, final judgements and decisions rendered by all the courts of the Republic.

It also rules on any matter for which it is assigned competence by the law, as well as on:

Applications for reconsideration;

Applications to transfer a case from one court to another on grounds of well-founded suspicion or public security;

Contradictions in a final judgement or decision between the same parties and on the same grounds by different courts.

The Court decides on the basis of documentary evidence.

This institution will seek to attain the following main objectives:

To adapt the organization of the judiciary as far as possible to economic and financial realities and to the requirements and objectives of respect for human rights and the principles of free enterprise and private ownership;

To bring justice closer to the ordinary man.

C. Services rendered by the barrister

The regulations on the exercise of the profession are liberal in approach. Regulatory Ordinance No. 111/PRG/86 of 10 July 1986 specifies that "barristers are representatives of the law who, without territorial limitation, assist or represent natural or legal persons in all courts or disciplinary bodies in order to assure their defence".

The barrister is competent to plead, counsel, represent and draft. In order to represent, he is dispensed from producing a power of attorney. In matters of pleading, the principle is clear: while everyone has the right directly to defend his interests in court, only a barrister may represent another person in Guinean courts. The role of the Guinean barrister is therefore to inform his client not only of his rights, but also of the options consistent with his interests.

While the services of a barrister are optional in civil courts and courts of summary jurisdiction, they are obligatory in criminal proceedings - otherwise the proceedings are null and void. If the accused cannot afford the services of a barrister, he will be assigned a counsel to defend his interests.

A barrister thus designated cannot refuse his services.

Fees are established, with the agreement of the parties, between the barrister and his client on the basis of the ordinary law in respect of contracts.

The requirements for exercising the profession, according to article 3 of Ordinance No. 111/PRG/85, are those of:

Being an adult Guinean of either sex;

Being in possession of a law degree or an equivalent or higher qualification;

Not having incurred any criminal convictions and having irreproachable moral standards;

Not having been declared bankrupt.

Barristers are recognized by an order issued by the Minister of Justice, Keeper of the Seals. They take an oath and wear the dress of their profession.

Barristers admitted to practice are placed on a register and form a bar administered by a bar council elected by secret ballot by all the barristers registered.

The bar council, presided over by the bâtonnier, concerns itself with all matters related to professional conduct and discipline.

Unlike other citizens, the Guinean barrister is not allowed to engage in certain activities for pecuniary gain.

IV. CIVIL AND POLITICAL RIGHTS

Since 3 April 1984, in the Republic of Guinea all fundamental rights have been recognized, guaranteed and protected by the State.

Respect for and protection of the human person are assured in accordance with the principle of participation, which presupposes freedom of expression and of assembly and freedom of thought and conscience.

With every day that passes the liberal democracy currently in the course of preparation is creating the objective and subjective conditions for equal political freedoms for all, which will secure a fair division of property and wealth on the basis of free enterprise and fair competition.

The many reforms undertaken seek, through the impact of decentralization and devolution, to guarantee everyone a fair opportunity of participating in the political process and of influencing it, irrespective of their social origin or economic level.

The establishment of new democratic structures is an attempt to offer all citizens ways and means of being informed about political issues, so as to enable them to judge how each project affects their welfare and which political programmes are conducive to the free development of the personality.

Guinea became a member of the United Nations on 12 December 1958, thereby undertaking to observe all the universal provisions relating to human rights.

The proclamation on 3 April 1984 by the Military Committee for National Recovery committed the Government of the Second Republic to defending, by all legal methods, the various fundamental civil, economic and social rights of all citizens.

A. Freedom of opinion

Social life is the setting for the realization of all projects of individual and collective importance. The principle of participation decrees that each citizen should judge how an individual or general project may affect his welfare and which programmes are suited to the development of his personality.

If freedom of opinion is construed as the right to make a judgement or lack of coercion in one's way of thinking about a subject, one realizes that this freedom is the prerequisite for all other freedoms. It is the most profound and the most personal, and it is conducive to the participation of the citizen and the development of his personality.

It encompasses:

1. Freedom of speech

Speech is the vehicle of opinion. Man uses it to make contacts with his fellow men. It is said to be the attribute of man. It cannot and should not be brought under control. Everyone should have the possibility of stating his opinion on every issue.

2. Freedom of the press

The press is the most reliable method of giving all citizens information of every kind and of ascertaining the opinion of each person on the management of public affairs for the purpose of enabling individual initiative to take part in building the nation.

The freedom of the press is subject to certain limitations imposed by law solely for the purpose of compelling each individual to respect the rights of others.

In Guinea, the author of any publication is required to state accurately his name, profession and domicile.

The publication must not contain any incitement to crimes or offences and must in no case be contrary to morality. (Articles 244-266 of the Criminal Code.)

3. Crimes and offences perpetrated by the written or spoken word

There are many such offences and attention will be drawn only to those which seem to us to be the most common:

4. Insult

Article 191 of the Criminal Code defines insult as "anything which, in any way, may wound the feelings or give offence to the person to whom it is addressed". The penalties provided by articles 192 to 195 vary with the status of the person to whom the insult was proferred.

5. Defamation

Article 324 of the Criminal Code defines defamation as "any allegation or imputation concerning an act which casts a slur on the honour or reputation of the individual or community to which the act is imputed".

Here also, the penalties prescribed by articles 325 and 326 of the Criminal Code depend on the status of the victim.

6. Abuse

Article 327 of the Criminal Code defines it as "any injurious expression, term of contempt or invective which does not allege a concrete fact". The penalties are determined in the same way as in the cases specified above. However, when it is not proferred in public it carries only a police penalty.

B. Freedom of assembly

To assemble in order to discuss economic, social and political issues is an inalienable right.

When a meeting has as its purpose issues of an ethnic or racial character or is likely to endanger national unity, it comes under the provisions of articles 111 and 112 of the Criminal Code. Indictment on this account is designed to consolidate the bases of independence, strengthen national unity and fortify social relations within the institutions of the State.

C. Freedom of association

Freedom of association understood as the possibility for citizens to join together in order to achieve a common social, economic or political goal, is granted to all persons living on Guinean territory.

To be valid, an association must be recognized by the Government. It may:

Exercise in all courts all the rights reserved for civil claimants in respect of acts that are either directly or indirectly prejudicial to the interests it represents;

Subsidize co-operative production or consumption societies;

Deposit marks or labels in conformity with the conditions established by an order of the ministry concerned, and claim their exclusive ownership in accordance with the conditions of the order.

Constitute, among their members, special mutual assistance and retirement funds in conformity with the regulations in force.

D. Trade union freedom

In Guinea, trade union freedom should be construed as meaning the right granted to persons exercising or having exercised the same profession to associate in order to defend their common interests. The external manifestation of that right is the workers' strike.

V. FORMAL GUARANTEES OF VARIOUS CIVIL RIGHTS

The rule of law must ensure stability and security for all without exception. As the emanation of the people's legal conscience, it must, to be valid, be manifested in tangible form, i.e., it must be expressed by the country's authorized institutions.

It follows that an obligation to respect the exercise of recognized rights lies as much on the executive, legislative and juridical authorities as on individuals.

Thus, the rule of law is in Guinea like a mother who looks upon all her children through the same eyes. Such is the source of the guarantees of the various civil rights. The fundamental idea, as contained in the solemn proclamation by the CMRN, is based on the protection of the individual, of private ownership and of free enterprise.

To that end, Guinea has, in addition to its positive law, procedural legislation and an appropriately organized judicial system that we have examined above.

A. Protection of physical integrity

In Guinea, the human person is sacrosanct; that entails above all the guaranteeing of its protection.

To that end, measures have been taken, first, to secure the inviolability of the person and, second, to penalize attacks on personal freedom.

1. The inviolability of the person

The legal guarantee of the inviolability of the person means that individuals are protected against all attempts on their lives or attacks on their person.

(a) The right to life

Pursuant to article 3 of the Universal Declaration of Human Rights and article 6 of the International Covenant on Civil and Political Rights, Guinean law contains, in the Criminal Code, a number of provisions penalizing the taking of life.

Abortion

Abortion consists in the use of means or substances intended to induce the premature expulsion of a foetus or, more generally, the artificial termination of pregnancy. "In the legal sense of the term, abortion is the deliberately occasioned premature expulsion of a product or products of conception" (Garaud). The word "abortion" does not have the same meaning in legal as in medical terminology. In the latter, "abortion" refers only to instances of spontaneous or non-spontaneous expulsion of a foetus that involve the use of artificial means and culpable intent.

The law provides for the following penalties:

One to two years' imprisonment and/or a fine of from 4,000 to 40,000 Guinean francs (GF) for anyone who, other than in cases specified and permitted by law, procures or attempts to procure by means of foodstuffs, beverages, medicine, manipulation or violence or by any other means and with or without her consent, abortion by a woman who is or is believed to be pregnant;

Sixteen days to one year's imprisonment and a fine of from GF 3,600 to 15,000 for any woman who procures or attempts to procure an abortion for herself or who agrees to use means indicated or administered to her for that purpose.

Thus, termination of pregnancy is prohibited in Guinea except in cases where the mother's health requires it.

Homicide

According to article 6 of the International Covenant on Civil and Political Rights, homicide, of whatever kind, is arbitrary deprivation of life. The Criminal Code distinguishes between intentional homicide, termed "murder", and involuntary homicide; the element of intent constitutes the major factor in determining the penalty.

Premeditated murder, parricide and poisoning are punishable by death (article 255 of the Criminal Code). The death penalty is also applicable to: offenders who, for the execution of their crimes, employ torture or commit barbarous acts (article 256 of the Criminal Code); murder preceded or followed by another crime the purpose of which is either to prepare, facilitate or commit a crime or offence or to assist the escape of or secure impunity for the principals or accessories in such crime or offence.

In cases other than those mentioned above, the penalties incurred are those of forced labour for life or imprisonment.

Homicide committed by a parent upon the person of his or her child of more than two months of age is punishable by forced labour for life (article 257 (3) of the Criminal Code). Infanticide is punishable by between 2 and 10 years of imprisonment when committed by a mother upon the person of her own child of less than two months of age.

Murder by one spouse of the other or of the third party when the latter are caught in the act of adultery is punishable by imprisonment for one to five years.

Involuntary homicide is punishable by from one to five years' imprisonment when committed by clumsiness, rashness, inattentiveness, negligence or failure to comply with regulations; a minimum of 5 years and a maximum of 20 years' imprisonment applies for involuntary homicide by grievous bodily harm inflicted without intention to cause death.

The death penalty

The death penalty is the supreme penalty under the Republic of Guinea's penal system. It may only be incurred for specified offences. In addition to the cases discussed above, the death penalty may be incurred for:

Action to disrupt the internal and external security of the State;

The cases of treason defined in article 68 of the Criminal Code;

Espionage within the meaning of article 69 of the Criminal Code.

Article 84, (1) and (2), and articles 85, 86 and 87 of the Criminal Code define the circumstances in which the death sentence shall be carried out.

In view of the extreme severity of this penalty, Guinean law provides for two mitigating circumstances:

Denunciation prior to or after the commencement of proceedings which results in the arrest of the guilty parties incurs waiver of the penalty;

Youngsters under the age of 13 who commit crimes, offences or misdemeanours may only be sentenced to be made wards of court, placed under supervision, or subjected to measures of reform and assistance, as the case may be.

(b) The right to security of person

Security, meaning the position of one who is safe from all danger, is a right designed to protect the individual against all possible kinds of violence or attack, whether the perpetrator is a private person or a person vested with public authority. The provisions of the Code are of undoubted severity, particularly if the victim is a minor or a person lacking legal capacity.

Torture - Misuse of authority

In the interests of protecting the physical integrity of the person particularly against certain breaches of duty on the part of public officials, such practices are subject to severe punishment under Guinean positive law.

The cases covered by the Criminal code include violence, assault by any public official, extortion of confessions, arbitrary arrest and detention, and any inhuman, cruel or degrading treatment, by whomsoever committed.

Acts of violence

The following are covered by the Criminal Code:

Intentional violence, i.e. wilful assault and battery and all other forms of violence resulting in illness or unfitness for work for more than 20 days, is punishable by two to five years' imprisonment and a fine of GF 5,000 to 50,000. Where there is premeditation or felonious intent, the penalty is rigorous imprisonment (article 260 of the Criminal Code).

Violence, assault and battery resulting in mutilation, amputation or loss of the use of a limb, blindness, loss of an eye or other permanent disablement, are punishable by rigorous imprisonment and, in the case of felonious intent or premeditation, by forced labour for a specified period of time (article 261 of the Criminal Code).

If the guilty party is a relative in the ascending line, his penalty will be rigorous imprisonment or forced labour for a specified period of time, as appropriate.

Threats

Threats of violence are also punishable under Guinean law.

The gravity of the penalty incurred matches the gravity of the offence which is backed up by the threat.

The law is lenient towards persons who commit unintentional violence.

Protection of minors and persons lacking legal capacity

The vulnerability of these persons calls for stricter protection, and makes any person who commits an offence against their personal safety liable to strict penalties. Accordingly, the abandonment or desertion in any place of a child or person lacking legal capacity, who is unable to protect himself owing to his physical or mental condition, is punishable by one to three years' imprisonment and a fine of GF 500 to 45,000. Relatives in the ascending line or persons having parental authority over the child or the person lacking legal capacity or having custody of them are punishable by two to five years' imprisonment and a fine of GF 5,000 to 90,000. If these offences result in illness or disability the penalty is increased. If the offender is a relative in the ascending line, mutilation or permanent disability increases the penalty to rigorous imprisonment or forced labour for a specific period.

2. Inviolability of individual freedom

We deal here with protection of the public freedoms and mainly with individual freedom of movement and related questions as a fundamental element of individual human freedom.

(a) Freedom of movement

Guinean positive law sets forth the modalities for the application of the principle laid down in article 2 of the International Covenant on Civil and Political Rights.

Freedom of movement in Guinea is subject only to the following restrictions:

The requirements of criminal proceedings (arrest, detention, administrative surveillance).

In time of public emergency which threatens the life of the nation (article 4 of the Covenant).

Compliance with the law as regards various travel documents.

With a view to giving effect to the public freedoms, severe penalities are imposed by law for:

The arbitrary arrest and detention and illegal restraint of persons.

Making premises available, in full knowledge of the facts, for purposes of detention or illegal restraint.

The abduction of persons.

All these offences are aggravated if the victim is a minor or lacks legal capacity.

B. Protection of moral integrity

1. Right to private life

(a) Right to privacy

With a view to the protection of privacy, a breach of confidence by any person who by trade or profession is the repository thereof is punishable by one to six months' imprisonment and/or a fine of GF 500 to 35,000 (article 323 of the Criminal Code).

The Code of Criminal Procedure provides guarantees for the privacy of the citizen under article 31 (concerning house searches) and article 162 (concerning proceedings in open court).

The confidentiality of correspondence is protected and guaranteed.

(b) Inviolability of the home

Under Guinean law, the home, as the place where a person usually resides and has his main establishment, is as sacred as is the person who owns it. For this reason, members of the law enforcement authorities are prohibited by law from entering a citizen's home against his wishes save in the cases and for the formalities provided for by law (article 163 of the Criminal Code).

The law is equally severe with beggars or the maimed who may resort to threats or who enter without the permission of the owner or of members of his household (article 230 of the Criminal Code).

In the case of an inquiry, house searches are governed by the conditions set forth in articles 33 and 65 of the Code of Criminal Procedure.

(c) Offences against persons and their reputation

Defamation

Defamation consists of saying or writing things that discredit or dishonour another.

The Code makes a distinction according to whether the victim is a public authority or an individual.

In the former case the penalty incurred is one month to one year's imprisonment and a fine of GF 5,000 to 50,000 (article 325 of the Criminal Code) while in the latter it is 16 days to 6 months' imprisonment and/or a fine of GF 3,000 to 30,000 (article 326).

2. Calumny and calumnious accusation

Calumnious accusation within the meaning of article 322 (2) of the Criminal Code consists of an "intentionally false accusation that may expose the person who is the subject thereof to an administrative sanction or to legal proceedings".

This is punishable by imprisonment for two months to two years and a fine of GF 5,000 to 250,000.

3. Freedom of worship and religion

Worship in the sense of homage paid to a divine being and religion in the sense of a set of tenets and practices having as their object man's relationship with God, and which is specific to a social group, is an inalienable right. Inasmuch as the aim of legal institutions is stability, security and non-discrimination, they encourage the coexistence and co-operation of religions and creeds in a spirit of great tolerance. This explains why any disturbance caused by ministers of religion is bound to meet with a criminal sanction.

VI. THE PRINCIPLE OF THE LEGALITY OF THE CHARGE AND THE PENALTY

The hallowed principle of the legality of the charge and the penalty is laid down in article 4 of the Criminal Code, which proclaims that no one may be prosecuted for an offence not provided for by law.

The Code of Criminal Procedure stipulates that "any final judgement passing sentence shall state the grounds therefore and shall specify the legal provisions on which it rests, failing which the judgement shall be null and void".

Non-retroactivity of the law

As a matter of principle the provisions of the law pertain only to the present and the future and have no retroactive effect whatsoever, that is, the law cannot be applied to facts prior to it.

This general rule is subject to the exception that where the law mitigates the penalty it can have retroactive effect because it is favourable to the offender.

Presumption of innocence

Everybody is presumed innocent until there is indisputable proof of guilt. This rule provides the guarantee afforded against any arbitrary arrest or detention.

Judicial independence

This principle provides the fundamental guarantee of a fair trial. It involves an obligation on the part of the judge to follow only the law and his conscience in the performance of his duties.

Equality before the law

The principle of participation means that the public authorities have a duty to ensure that all citizens have a fair chance to participate in public life and an equitable division of the benefits and responsibilities of life without discrimination.

This equality constitutes the principle known as distributive justice.

A. Guarantees afforded the accused during pre-trial proceedings

In view of the vital role played by pre-trial proceedings in determining the outcome of a criminal trial, a very precise procedure has been introduced which offers the maximum guarantees for the protection of the rights of the accused person during this stage of the proceedings. A preliminary investigation is:

Compulsory in criminal cases and whenever the accused is a minor;

Optional in the case of a misdemeanour, except as otherwise specified.

The preliminary investigation falls exclusively within the jurisdiction of the examining magistrate and juvenile court.

The examining magistrate must not take part in the decision in cases which have come before him.

A magistrate, however, may pass judgement in cases which have come before him (article 50 of the Code of Criminal Procedure).

The examining magistrate may open an inquiry only when a matter has been referred to him:

In a submission by the Public Prosecutor;

In a complaint combined with a claim for damages, in which latter case he notifies the Prosecutor of the complaint without delay so that the latter may make such submission as he sees fit.

The examining magistrate is empowered to charge anybody who has taken part as a principal offender or accomplice in acts that have been referred to him and to take all such legal steps as he deems necessary to arrive at the truth.

If he is unable to take such steps himself, he may delegate his powers to another judge or to an officer of the criminal investigation department by means of letters rogatory or the official delegation of powers to a police official.

B. Steps in the preliminary investigation and protection of procedural rights

Under article 70 of the Code of Criminal Procedure, the magistrate summons by court order or through a police officer or by any other means any person whose evidence seems to him to be useful and such person is heard on oath and must appear, failing which he will be subject to legal proceedings.

Minors under 15 years of age are exempt from the formal requirement of taking an oath.

Witnesses are heard separately and not in the presence of the accused. The magistrate may subsequently confront them with each other or with the accused.

During the interrogation on first appearance the examining magistrate informs the accused of the charges brought against him and hears what he has to say after having cautioned him that he is free to say nothing (article 77).

If the charge is maintained, he informs the accused of his right to brief a lawyer for his defence.

He can order a medical examination or any other measures provided that he apprises the defence, which must be kept informed of the proceedings.

The examining magistrate may arrange for visits, searches and seizures under the conditions laid down in articles 64 and 65 of the Code of Criminal Procedure.

Under articles 80 to 89 he can issue all types of court order. An accused person who is arrested may not be held for more than 72 hours without being heard.

The accused is released as soon as this period expires if, for some reason, the magistrate does not proceed to interrogate him.

Any detention by virtue of a summons to appear lasting for more than 72 hours is considered to be arbitrary, and the person responsible is liable to severe penalties. The same applies in the case of failure to comply with the formalities laid down for the other court orders.

The accused has the right to communicate at all times with his lawyer immediately after his first appearance.

In all cases the magistrate may, of his own motion or at the request of the accused and after the Public Prosecutor has been heard, order release pending trial provided that the accused reports on his movements and appears at the first demand.

Release pending trial is governed by the following conditions:

1. The accused must be domiciled in Guinea.

2. The maximum penalty for which he is liable must be less than one year.

3. The accused must not have been convicted already.

4. The civil claimant must be notified of the measure.

C. Guarantees afforded during the trial stage

1. The principle of two-tiered jurisdiction

A guarantee of fair trial is afforded by the fact that if the defendant considers his interests to have been prejudiced by a court, he can have his case reviewed by a court of a higher degree.

2. The trial

The hearings take place in open court in the presence of the representative of the Public Prosecutor, the parties and their lawyers.

The court can order a trial in camera on the grounds specified by law. A decision to this effect is reflected in the minutes of the clerk to the court.

In civil proceedings, the plaintiff is called upon to speak followed by the defendant, then the witnesses and, lastly, the experts, if any.

The President apprises the parties of the documents in the file and the representative of the Public Prosecutor makes his observations if this is necessary. The parties and their lawyers ask questions through the President. They must reply to questions put to them, any refusal being reflected in the records of the proceedings.

When he takes it that the hearings have come to an end, the President declares them closed. He invites the plaintiff to speak followed by the defendant and then the representative of the Public Prosecutor.

In criminal proceedings, as soon as the hearing is opened, the President of the Court verifies the identity of the accused and informs him of the charges against him.

The Bench, through the President, questions the accused about all matters concerning the case. When it has no more questions the Public Prosecutor is invited to speak and the witnesses and experts are heard.

The Public Prosecutor makes his submissions, and the defence outlines its final arguments. Everyone has the right of reply, the accused and his lawyer always having the last word.

In criminal cases, the President of the Assize Court asks the accused, after verifying his identity, to listen carefully to what is going to be adduced against him. The indictment is then read out. After the decision has been handed down, the parties must always be informed by the President of their right to appeal and the period within which the right must be exercised.

3. Challenge of judges

Any party to a trial who has doubts about the impartiality of a member of the court may challenge that member on the following grounds:

That the member in question has a personal interest in the trial;

That he is related by blood or by marriage to one of the parties;

That the member in question or his or her spouse is in a position of dependence vis-à-vis the other party;

That there are sufficiently serious indications to arouse suspicion about his impartiality.

Inasmuch as prosecuting counsel cannot be held liable, they can on no account be challenged.

The challenge is submitted to the President of the Court who, after consulting the Public Prosecutor, accepts or rejects it.

No appeal lies against a decision regarding a challenge.

Any challenge concerning the President of the Court of Appeal must be submitted to the Minister of Justice, who delivers his decision after consulting the Attorney-General.

The automatic challenge of a trial judge is subject to the leave of the President of the Court of Appeal who, in turn, cannot automatically disclaim competence without the leave of the Minister of Justice.

4. Remedies

The law distinguishes between ordinary and extraordinary remedies.

(a) Ordinary remedies

Opposition to judgement: This consists in the exercise of a person's right to ask the court which has found against him to review its decision.

Application may be made orally or in writing. The case is reopened and the decision rendered is deemed to have been taken after that party has been heard even in the event of default on his part by virtue of the principle "no opposition to an opposition can be valid".

In criminal cases the decisions taken are automatically annulled when the convicted person is arrested or if he appears before the extinction of the sentence by prescription. The hearing is reopened in the ordinary manner.

Appeal: An appeal is the remedy exercised against an adversarial decision by the party considering himself to have been injured. The appeal must be lodged within 10 days of the judgement.

(b) Extraordinary remedies

Appeal in cassation: This appeal is the remedy exercised against decisions rendered on substance in final instance, even if enforced, in cases of:

Lack of jurisdiction;

Abuse of authority;

Breach or misapplication of the law.

The appeal must be made within 10 days from the date of the judgement or judicial decision. Application must be made to the clerk of the court which took the contested decision or to the Office of the General Prosecutor.

Such appeal is subject to payment of GF 15,000 in security.

Application for review

Under article 272, review is available in the absence of any other means to remedy a de facto mistake and in the cases specified by law, namely:

When, after a conviction for murder, documents submitted constitute sufficient evidence of the actual existence of the supposed victim;

When, after a conviction for a crime or offence, another accused person or defendant is sentenced for the same crime or offence;

The conflict in convictions proves the innocence of one of the convicted parties by virtue of the principle "non bis in idem";

When, after a conviction, a fact occurs or is revealed or when documents not known at the time of the hearing and such as to establish the innocence of the convicted person are submitted (article 273 of the Code of Criminal Procedure);

When a witness who has been heard is prosecuted, subsequent to the conviction, for giving false evidence against the accused or defendant.

In the first three above cases, the following may apply for review:

The Minister of Justice;

The convicted person or his legal representative;

In the event of his declared absence or death, his spouse or heirs.

In the fourth case, the Minister of Justice takes a decision alone, after consulting a committee made up of members of his department and the President of the National Court of Cassation.

When the application is admissible, the review has the effect of an immediate stay of proceedings and compensatory measures are set in train.

D. Safeguards in respect of execution of the sentence

1. Article 22

(a) Legal measures provide adequate safeguards in respect of the execution of sentences. Article 22 of the Criminal Code provides that any custodial sentence shall run from the day on which the convicted person is detained pursuant to a judgement or final judicial decision imposing the said sentence.

(b) The entire period of pre-trial detention is deducted from the length of the sentence, unless otherwise stated on specific grounds in the penal decision.

2. Article 24

(a) Article 24 of the Criminal Code adds that, for the period of forced labour, detention or imprisonment, the convicted person is under a legal disability. All decisions carrying the death penalty or penalties of forced labour in perpetuity or for a specified period, detention, imprisonment or degradation shall be published in extract and shall be the subject of a report addressed to the Minister of Justice for the information of the President of the Republic. The purpose of this information is to enable the Head of State to grant or refuse pardon, as the case may be.

(b) The Code also states that:

Any person condemned to death may seek redress, including a pardon, within three clear days;

A death sentence against a woman found to be pregnant shall be carried out only after she has given birth.

(c) The sentence may be commuted to:

A sentence of forced labour in perpetuity;

Forced labour or imprisonment for a specified period;

Or even the total or partial extinction of the penalties imposed.

(d) If, on the other hand, the death penalty is to be carried out, the following formalities must be met:

The convicted person must be informed by the representative of the Government Attorney, of the rejection of his application for pardon, and of the date, hour and place of execution of the sentence;

The official record of such notification shall be signed by the representative of the Government Attorney, the convicted person and his counsel and by the clerk of the court which rendered the sentence;

Any last will and testament shall be taken by the clerk in the presence of the representative of the Government Attorney and his counsel;

If he so wishes, the convicted person may have prayers said or pray himself in accordance with his religion;

After the execution, the body is shrouded and then buried.

(e) Men sentenced to forced labour are employed in socially useful work, and women in work according to their strength.

3. Decree No. 624/PRG/81 of 18 November 1981 provides that the proceeds from the productive activities of detained persons shall be divided as follows:

Six tenths for defendants or accused;

Four tenths for persons sentenced for minor offences;

Three tenths for persons sentenced for major offences;

Two tenths for persons sentenced to hard labour.

(a) These earnings cover the legal costs chargeable to them and any damage for which they may be liable.

(b) Half the above earnings are paid into their disposable savings and half into their reserve savings.

4. Work is organized on the basis of an eight-hour day. All work is prohibited on Sundays and holidays, except work which cannot be suspended without interrupting the essential functioning of the permanent services of the prison establishment.

5. The principle governing the management of civilian gaols and prisons is that the governor must never become impatient or annoyed; he is the head of a family, a disparate and unusual family which he has to educate in order to guarantee each person's reintegration into society.

6. Pregnant women, nursing mothers and minors are entitled to even milder treatment.

VII. STATUS AND PROTECTION OF THE FAMILY

The family is understood to mean all persons related by kinship or marriage.

The State has taken protective measures against the break-up of the family and the marriage.

A. Legal protection

1. Protection in civil cases

In order to prevent the break-up of the family through divorce, the procedure in such cases involves a series of steps aimed at delaying the decision.

(a) Arbitration

Marital disputes are first brought before the district or village council of elders. This procedure has its roots in custom, based on the principle "one for all, all for one".

The council of elders arbitrates in the case, providing extensive guidance to the spouses; once accepted, its decision is irrevocable. Any party violating that decision infringes the honour of his or her family.

(b) Conciliation

The failure of arbitration entails the commencement of judicial proceedings. At this stage, an attempt at conciliation is required by law before any decision can be taken regarding divorce.

The length and slowness of the divorce proceedings are essentially aimed at encouraging the applicant to withdraw his request and at making him aware of the serious consequences of breaking the marriage bond.

If conciliation fails, the parties then appear before the court, which attempts a further conciliation in the course of the hearing. If this is unsuccessful, divorce is pronounced.

2. Protection in criminal cases

With a view to ensuring the stability and survival of the family, the legislature has made family protection in criminal cases an imperative requirement. This explains the penalty incurred by the perpetrators and accomplices of adultery or desertion of the family.

Immunities

The Guinean Criminal Code establishes immunities for the following offences:

Theft

Article 333 requires that reparation only may be made for theft committed:

By husbands to the detriment of their wives, by wives to the detriment of their husbands, by a widower or a widow in respect of articles belonging to their deceased spouse;

By children or other descendants to the detriment of their fathers or mothers or other descendants, by fathers and mothers or other ancestors to the detriment of their children or other descendants;

By relatives by marriage in the same degrees during the period of wedlock.

Adultery

The agreement of a husband to take back his wife who has been guilty of adultery, or vice versa, annuls the effect of the action or of the sentence delivered (article 294).

Unlawful omission

While failure to notify the competent authorities of crimes or offences constitutes the offence of unlawful omission, spouses, direct relatives and relatives by marriage have the right to refrain from providing such notification.

3. Protection in the event of general confiscation of the property of the spouse having committed a crime

With a view to protecting the family from destitution and based on the principle that the penalty is awarded against the individual, confiscation ordered against a person responsible for misappropriation of public funds affects only the property of the latter.

B. Health protection

In order to protect the family against dangerous illnesses, the Civil Code requires the production of a medical certificate prior to the celebration of marriage. Such examinations are provided free of charge.

In addition, there are radio and television broadcasts dealing with the proper management of the family heritage, child care and education, and maternal and child health.

C. Social protection

Conscious of the fact that good health is essential for the realization of its programme of social action, the State has decided to provide:

(1) Free consultations and treatment at out-patient clinics, rural hospitals, and maternal and child welfare centres.

The same applies to hospitalization for childbirth (articles 1, 2 and 3 of Decree No. 160/PRG of 26 April 1962).

(2) The allocation of a maternity benefit and family allowances.

(3) Allowances in cash and kind in the event of an industrial accident or occupational disease.

(4) Allowances in cash and kind in the event of sickness or disablement.

(5) Old-age and death allowances.

(6) Free and compulsory education for all. (Act No. 21 AN/60 of 1 December 1969)

D. Promotion of the family

1. The institution of marriage

Marriage as the lawful union between man and woman is recognized as the right of every female citizen aged at least 17 years and every male citizen aged at least 18 years. The President of the Republic may, owing to exceptionally grave circumstances, grant a dispensation.

Minors may contract marriage only with parental consent.

Aliens in Guinea may enter into marriage in accordance with Guinean marriage procedures, but they remain subject to the substantive provisions of their own national laws.

In order to be valid, the celebration of the marriage must satisfy the following requirements:

The free consent of the spouses;

Compliance with the minimum age established by law;

The payment of a dowry of GF 500;

Solemn celebration of the marriage by the Civil Registrar.

Polygamy is permitted under Guinean law but is subject to the requirement of consent by the female spouse or spouses.

2. Rights and duties of spouses

The spouses undertake to be faithful and to provide support and assistance to each other.

The husband is the head of family, a duty which he performs in the interests of the household and any children.

The spouses assist each other in providing moral guidance and material support to the family and contribute to the expenses of the household in proportion to their respective abilities. The duty to provide for such expenses lies principally with the husband.

One spouse may represent the other in accordance with the conditions laid down in article 326 of the Civil Code.

In the event of death, they shall inherit from one another.

A widow with no children who has not been duly provided for in the estate of her spouse shall receive compensation calculated on the basis of each consecutive five years of marital union lived in dignity and devotion.

However, the sum of entitlements for the total period in question shall not amount to more than half of the figure obtained in respect of the total number of children concerned.

3. Child welfare

The child bears the surname of his father. A child born to a Guinean father and mother or to a Guinean father or mother acquires nationality under the terms laid down by law.

A foundling child is presumed to have been born in Guinea and is recognized as Guinean.

By virtue of filiation, the parents contract an obligation to feed, support and bring up their children.

The child's home is that of his parents or of any person to whom he has been given in custody. He has the right to inherit from his father and mother, brothers and sisters or other ascendants or relatives in the order and degree indicated by law.

In the event of dissolution of the marriage by divorce, the judge shall decide, in accordance with the interests of the child, who is to have custody.

The parent not having custody retains the right to periodic visits.

VII. PUBLIC INFORMATION ACTIVITIES REGARDING THE BILL OF HUMAN RIGHTS IN GUINEA

The text of the Universal Declaration of Human Rights consists of 30 articles, the analysis of which has made it possible to identify and adopt the following fundamental elements of human rights:

1. Equality in dignity and rights of all human beings;

2. Prohibition of all forms of discrimination based on race, colour, sex, social origin or religion;

3. Right to life and liberty;

4. Equality before the law and free exercise of judicial action;

5. Prohibition of all attacks on the human person;

6. Freedom of migration and settlement;

7. Right to a nationality, right to marriage and right to private ownership;

8. Right to participate in public affairs;

[Freedom of thought, opinion, association and of the press]

9. Right to work, remuneration and rest and right to social security;

10. Right to education and instruction;

[Right to the protection of literary, scientific or artistic production]

11. Right to a legal defence;

12. Assistance for mothers and children.

The various rights cited above will be considered separately in order to shed light on the public information activities undertaken in Guinea.

1. Equality in dignity and rights

All human beings are born free and equal in dignity and rights (article 1 of the Universal Declaration of Human Rights).

The efforts undertaken by the Second Republic to ensure respect of this right have consisted in the eradication of all inhuman social practices, such as making insolvent taxpayers sit in the sun for failing to meet their tax obligations.

Radio broadcasts in the national languages to encourage respect for the elderly and disabled, denunciation through the press, radio and television of all behaviour threatening human dignity, the equal treatment accorded to all citizens in policies relating to employment and health and the exercise of any profession subject only to satisfying the required formalities are developments which have contributed to equality in dignity and rights for all individuals.

2. Prohibition of all forms of discrimination

The social policy of the Republic of Guinea provides for the equal treatment of all citizens without distinction as to sex, race, religion or social origin.

Men and women have the same employment opportunities and no exception to the principle of "equal pay for equal work" is allowed in Guinea.

There is no predominant religion or race, and emphasis is placed on consolidating social relations in order to strengthen national unity.

Aliens in Guinea enjoy the same advantages as those granted by their own countries to Guineans residing there.

3. Right to life and liberty

The Second Republic today provides every citizen with the means to organize and protect his life through the encouragement of private initiative, the protection of private property and the promotion of free enterprise.

Under the Second Republic the word "liberty" was initially applied to excess, giving rise to distressing results to which necessary remedies had to be found.

4. Equality before the law and free exercise of judicial action

Increased public awareness of equality in this respect explains why the courts are now considering a larger number of cases involving claims to property of which some citizens were unlawfully deprived under the former régime.

5. Prohibition of all attacks on the person

Actions brought before the courts for defamation, illegal entry, false accusation, illegal restraint and other offences against a person's moral or physical integrity demonstrate that this right is well recognized and extensively applied among the population.

Interference with privacy today provokes a strong reaction on the part of persons subjected to such interference.

6. Freedom of migration, settlement and asylum

The regulations governing travel documents today constitute the only restriction on migration.

The presence of many aliens in Guinea and support for liberation movements demonstrate the respect given to aliens and political exiles.

7. Right to marriage, nationality and property

These rights are related to the very concept of personality, which renders them sacred and inviolable. Many Guineans who had acquired other nationalities to protect themselves and their property are now claiming Guinean nationality.

8. Right to participate in public affairs

The reforms now being carried out with a view to the decentralization and devolution of public services are aimed at ensuring the participation of every person in the management of public affairs.

9. Right to work, remuneration, rest and social security

Limited resources have not prevented the social security services from providing the benefits due to workers of all categories.

All employers are required to make contributions to the National Social Security Fund.

While it cannot create universal employment, the State offers every possibility for private initiative and provides grants to persons submitt sound projects.

10. Right to education and instruction

Instruction is compulsory for everyone in Guinea and is provided fre charge. All schools and universities in Guinea offer equal opportunities all without distinction.

Girls are numerically on a par with boys in schools, colleges, lycée universities.

11. Right to a defence

Legal defence is today provided by professional lawyers in all field both to the plaintiff and the defendant in legal proceedings.

Lawyers are independent and cannot be compelled to say anything cont to their own opinions.

12. Assistance for mothers

Mothers and children in Guinea are a special concern of the Governme and a number of non-governmental organizations.

This is eloquently shown by the proliferation of maternal and child welfare centres, day-care establishments and nurseries.

In accordance with article 11 (2) of the Convention on the Eliminati All Forms of Discrimination against Women, women during pregnancy are ent to three months' maternity leave with pay.

IX. APPLICATION OF THE PROVISIONS OF THE INTERNATIONAL COVENANT ON CIVIL POLITICAL RIGHTS

The legislator of public and private law in the Republic of Guinea h taken account of all the principles expounded and upheld in the Covenant. This is also true of the various codes and texts of laws whose provisions been referred to above.

There is no further need to demonstrate the equality of men and wome regards the enjoyment of all rights in the Republic of Guinea.

Women enjoy equal rights with men in all areas of political, economi cultural and social life.

Public and private institutions form a framework for the protection, promotion and safeguarding of women's rights. Thus, various women's non-governmental organizations exist in Guinea, including:

1. The Association of Guinean Women for Research and Development (AFGRD);

2. The National Commission of Guinean Working Women (CNFTG);

3. The Guinean Family Welfare Association (AGBF);

4. The Association of Female Graduates from Guinean Normal Schools (AANG).

In addition, Decree No. 119/PRG/86 of 2 August 1986 has set up a nation-wide semi-public organization under the auspices of the National Directorate for the Status of Women, responsible to the Secretary of State for Social Affairs.

Women participate in the management of public affairs at the highest levels, including:

Minister;

Ambassador;

Director-General;

Judge, magistrate, etc.

In the private sector, women engage in all gainful professional activities and are granted bank loans, mortgages and all other forms of financial credit, in accordance with article 13 of the Convention on the Elimination of All Forms of Discrimination against Women.

The existence of female theatrical companies, orchestras, sports teams and handicrafts associations (dyeing, saponification, potting and weaving), as well as small and medium-sized businesses, is eloquent proof of the central place of women in national life.

Racism and regionalism, like all forms of discrimination, are prohibited and severely punished under the Guinean Criminal Code (articles 109 et seq.).

The vulnerability of minors and disabled and handicapped persons has led the legislator to enact stringent protective measures and rigorous penalties against anyone threatening their personal safety.

Every individual has the right to a nationality. In respect of nationality, Guinean positive law combines two systems into one: jus soli, whereby the mere fact of being born in the territory confers the nationality of the place of birth; and jus sanguinis, whereby nationality is aquired through filiation.

In addition, marriage, adoption and naturalization confer Guinean nationality (articles 49 et seq. of the Civil Code).

Guinean law is in any case very straightforward as regards the attribution of nationality.

To sum up, it should be stated that the priority of the Government of the Second Republic is to make Guinea a haven of peace for the fulfilment of the human being in a society of freedom, dignity and true happiness, where security is the sole framework of his life.

The declared determination of the CMRN and the Government to make the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights the foundation of their domestic and international policies defines the activities of the governing bodies in implementating the objectives of national development.